

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:18-cv-90-FDW**

**KAYIE SHAUNE WRIGHT,**

**Plaintiff,**

**vs.**

**KENNETH E. LASSITER, et al.,**

**Defendants.**

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**ORDER**

**THIS MATTER** is before the Court on the North Carolina Department of Public Safety’s (“NC DPS”) sealed Notice, (Doc. No. 28), informing the Court that it has been unable to procure a waiver of service of process for Defendant “FNU Hudson.”


NC DPS has provided this Defendant’s full name as **Timothy Charles Hodgson** as well as his last known address. The Clerk of Court is directed to notify the U.S. Marshal that Defendant Hodgson needs to be served with the summons and Amended Complaint in accordance with Rule 4 the Federal Rules of Civil Procedure. If Defendant Hodgson cannot be served at the addresses provided by the NC DPS, the U.S. Marshal shall be responsible for locating his home addresses so that he may be served. See 28 U.S.C. § 1915(d) (in actions brought *in forma pauperis* under § 1915(d), “[t]he officers of the court shall issue and serve all process, and perform all duties in such cases”); Fed. R. Civ. P. 4(c)(3) (“At the plaintiff’s request, the court may order that service be made by a United States Marshal or deputy marshal or by a person specially appointed by the court. The court must so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915....”). If the U.S. Marshal is unable to obtain service on Defendant Hodgson, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service. The U.S. Marshal

shall not disclose Defendant's home address to the *pro se* incarcerated Plaintiff and shall file any document containing such addresses under seal.

**IT IS THEREFORE ORDERED that:**

- (1) The U.S. Marshal shall use all reasonable efforts to locate and obtain service on Defendant Hodgson. If the U.S. Marshal is unable to obtain service on Defendant Hodgson, the U.S. Marshal shall inform the Court of the reasonable attempts to obtain service.
- (2) The Clerk is respectfully instructed to substitute **Timothy Charles Hodgson** for "FNU Hudson" as a party.
- (2) The Clerk is respectfully instructed to mail a copy of the Amended Complaint, (Doc. No. 13), the Sealed Notice containing Defendant's last known addresses, (Doc. No. 28), and this Order to the U.S. Marshal.

Signed: October 29, 2018

  
Frank D. Whitney  
Chief United States District Judge

